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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,280	01/14/2002	Pekka Niemi	1497-109	5434
7590	03/22/2005		EXAMINER	
NIXON & VANDERHYE, P.C. 8th Floor 1100 North Glebe Road Arlington, VA 22201			BORISOV, IGOR N	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/043,280	NIEMI, PEKKA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Igor Borissov	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 December 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

Claim Rejections under 35 USC § 112 have been withdrawn due to the applicant's amendment.

### **Response to Amendment**

Amendment received on 12/15/2004 is acknowledged and entered. Claims 1-20 have been amended. Claims 1-20 are currently pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi (WO 99/20521).**

Niemi teaches a method and system for a floating building, comprising:

Claim 1. A floating building including a hull and an upper structure, the upper structure including premises for a hotel, restaurant or other tourist use (dimensioned to accommodate a plurality of clients and personnel) (P. 2, L. 8-10), and means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18). The building is navigable and, therefore, can be registered (P. 3, L. 25-26).

Niemi does not explicitly teach that said building includes premises for building personnel.

Official notice is taken that it is well known to provide crew accommodation on a cruising ship, said crew accommodation is being separate from premises for tourists.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include that said building includes a premises for a building personnel, because it would allow to operate said building 24 hours a day by providing said personnel a place for rest. Information as to *the maximum number of clients C is greater than the number of transport personnel A, and that the functional premises of the building do not meet the safety regulations required of a waterborne vessel* is given no patentable weight. Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 528-531 (CCPA 1959).

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (bd Pat. App. & Inter. 1987). Thus, as described, the limitations of the claim do not distinguish the claimed apparatus from the prior art.

MPEP 2106 (II) (C) states: "*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*"

Claim 2. See reasoning applied to claim 1.

Claim 3. Said building including hotel rooms (P. 2, L. 8-10).

Claim 4. Said building including premises for a hotel, restaurant or other tourist use (P. 2, L. 8-10), thereby obviously indicating reception premises.

Claim 5. Said method comprising planning in advance the delivery of said building so that it operates in a certain place for a certain period of time, after which it is transported to the next place that is in advance reserved for it (P. 3, L. 4-7).

Niemi does not specifically teach that an additional building is transported to said place.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include that an additional building is transported to said place, since it has been held that mere duplication of the essential working parts

of a system involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 6 and 7. See reasoning applied to claim 5.

Claim 8. Said system including a floating building including a hull and an upper structure, the upper structure including premises for a hotel, restaurant or other tourist use (P. 2, L. 8-10), and means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18). The building is navigable and therefore can be registered (P. 3, L. 25-26).

Niemi does not specifically teach that said system includes several buildings, which are transported to one location.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include that several buildings are transported to one location, since it has been held that mere duplication of the essential working parts of a system involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Information as to *the size of the spatial capacity and the number of buildings required to provide the spatial capacity are determined on the basis of the spatial capacity requirement at any time* is given no patentable weight. Claims Directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 528-531 (CCPA 1959).

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (bd Pat. App. & Inter. 1987). Thus, as described, the limitations of the claim do not distinguish the claimed apparatus from the prior art.

MPEP 2106 (II) (C) states: "*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*"

Claim 9. See reasoning applied to claim 8.

**Claims 10-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi in view of Schiff et al. (US 2003/0187705).**

Claim 10. Niemi teaches said floating building including premises for a hotel, wherein said building is transported to a certain place that is reserved in advance for a certain period of time (P. 3, L. 4-7). However, Niemi does not specifically teach a data terminal, means for entering a space reservation in the building, a database, means for searching the database, means for updating the database, means for replying to the data terminal, and means for changing the reservation status of a building or a part.

Schiff et al. (hereinafter Schiff) teaches Web-based selling and booking method and system for selling and booking cruises, including a data terminal, a server and a relational database, wherein a cruise reservation inquiry is conducted over the Internet, and wherein the relational database is updated [0013]; [0068]; [0077]; [0083]; [0123].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include a data terminal, a server and a relational database, wherein a cruise reservation inquiry is conducted over the Internet, as disclosed in Schiff, because it would allow users to book the premises in the building over the Internet at the most convenient time for said users.

Claim 11. Said system wherein said building is transportable by water from one place to another (P. 3, L. 4-7).

Claim 12. See reasoning applied to claim 10.

Claim 13. Niemi teaches said system including a floating building including a hull and an upper structure, the upper structure including premises for a hotel, restaurant or other tourist use (P. 2, L. 8-10), and means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18). The building is navigable and therefore can be registered (P. 3, L. 25-26), wherein said building is transportable by water from one place to another (P. 3, L. 4-7).

Claim 14. Schiff teaches said system wherein orders are received via a telephone or e-mail [0047].

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Claim 16. Niemi teaches providing said floating building including premises for a hotel, wherein said building is transported to a certain place that is reserved in advance for a certain period of time (P. 3, L. 4-7). However, Niemi does not specifically teach entering a space reservation inquiry via a server, and receiving a response for said inquiry.

Schiff teaches said Web-based selling and booking method and system for selling and booking cruises, wherein a cruise reservation inquiry is conducted over the Internet, and wherein a relational database is updated [0013]; [0068]; [0077]; [0083]; [0123].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi to include entering a space reservation inquiry via a server, and receiving a response for said inquiry, as disclosed in Schiff, because it would allow users to book the premises in the building over the Internet at the most convenient time for said users.

Claims 17-18. Niemi teaches said system including a floating building including a hull and an upper structure, the upper structure including premises for a hotel, restaurant or other tourist use (P. 2, L. 8-10), and means for transporting the building including an engine and transmission means (P. 3, L. 4; P. 5, L. 16-18). The building is navigable and therefore can be registered (P. 3, L. 25-26), wherein said building is transportable by water from one place to another (P. 3, L. 4-7).

Claim 19. Schiff teaches said method wherein orders are received via a telephone or e-mail [0047].

**Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi and Schiff in view of LaBrie et al. (US 2002/0055872).**

Claims 15 and 20. Niemi and Schiff teach all the limitations of claims 15 and 20, except specifically teaching that said means for receiving clients orders are located in a building.

LaBrie et al. (hereinafter LaBrie) teaches a method and system for information management and user services on a cruise ship, including a communication means between said ship and off-board location, an on-board terminal, an on-board server and on-board means for registration users and receiving users orders [0010]; [0014]; [0105]; [0118]; [0124].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Niemi and Schiff to include that said means for receiving clients orders are located in a building, as disclosed in LaBrie, because it would allow to make a reservation on-board without necessity to leave the building, thereby increasing customer service.

### ***Response to Arguments***

Applicant's arguments filed 12/15/2004 have been fully considered but they are not persuasive.

In response to the applicant's argument that *the number of transport personnel A and the number of clients C* (Claim 1) defines the size of a building, and, therefore, define a structural element of the Claim, it is noted that Niemi teaches a floating building which appears to be dimensioned to accommodate a transport personnel and a plurality of clients (P. 2, L. 8-10). As per number of people occupying the building, it has been held that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (bd Pat. App. & Inter. 1987). MPEP 2106 (II) (C) states: "*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*"

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In response to the applicant's argument that the cited prior art is silent about the dimensions of its premises, (Claim 1), it is noted that Niemi teaches a floating building including a hull and an upper structure, the upper structure including premises for a hotel, restaurant or other tourist use (dimensioned to accommodate a plurality of clients and personnel) (P. 2, L. 8-10). As per specific dimensions *per se*, it is noted that the "specific dimensions" feature upon which applicant relies in Claim 1, is not recited in the rejected claim(s).

In response to the applicant's argument that the prior art fails to disclose *delivering additional buildings from more than one first locations*, it is noted that Niemi teaches a floating building which is capable of being delivered from one location to another location (P. 3, L. 4; P. 5, L. 16-18). As per providing a *plurality* of said floating buildings, it has been held that mere duplication of the essential working parts of a system involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649 before April 13, 2005, and (571) 272-6801 after that date.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist before April 13, 2005, whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702 before April 13, 2005, and (571) 272-6812 after that date.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington D.C. 20231**

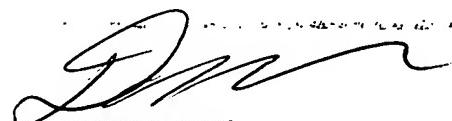
or faxed to:

**(703) 872-9306** [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

IB

3/14/2005



DENNIS RUHL  
PRIMARY EXAMINER